

Notice of Allowability

Application No.

09/871,498

Examiner

Jeffrey R. West

Applicant(s)

ETGEN, MICHAEL PETER

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Response filed 20 September 2005.
2. ☒ The allowed claim(s) is/are 1,3-16,18-29 and 31-41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter B. Manzo on November 10, 2005.
3. The application has been amended as follows:
 - In claim 1, line 5, "the average" has been changed to ---average---
 - In claim 8, line 3, "time gap" has been changed to ---time segment gap---
 - In claim 8, line 6, "the average" has been changed to ---average---
 - In claim 8, line 11, "time gap" has been changed to ---time segment gap---
 - In claim 14, line 9, "the average" has been changed to ---average---
 - In claim 15, line 8, "time gap" has been changed to ---time segment gap---
 - In claim 15, line 10, "the average" has been changed to ---average---
 - In claim 15, line 15, "time gap" has been changed to ---time segment gap---
 - In claim 16, line 5, "the average" has been changed to ---average---
 - In claim 21, line 2, "analyzing means" has been changed to ---analyzing---
 - In claim 23, line 4, "time gap" has been changed to ---time segment gap---

In claim 23, line 6, "the average" has been changed to ---average---.

In claim 23, line 11, "time gap" has been changed to ---time segment gap---.

In claim 29, line 2, "medium for" has been changed to ---medium that when executed carries out a method for---.

In claim 29, line 5, "the average" has been changed to ---average---.

In claim 34, line 2, "sub-instructions" has been changed to ---analyzing---.

In claim 36, line 2, "medium for" has been changed to ---medium that when executed carries out a method for---.

In claim 36, line 4, "time gap" has been changed to ---time segment gap---.

In claim 36, line 6, "the average" has been changed to ---average---.

In claim 36, line 11, "time gap" has been changed to ---time segment gap---.

Allowable Subject Matter

4. Claims 1, 3-16, 18-29, and 31-41 are considered to be allowable over the cited prior art for the following reasons:

U.S. Patent No. 5,892,917 to Myerson discloses a method in a data processing system for maintaining data integrity in logs, the method comprising reviewing a log (column 2, lines 49-52), determining whether the log contains data loss (column 2, lines 16-21 and column 2, line 65 to column 3, line 8), wherein the determining step includes analyzing the log to determine whether a gap tolerance has been exceeded (i.e. the frequency of requests corresponding to the time gap between request is compared to a percentage of the reference frequency of requests) (column 8, line 66

to column 9, line 2) and adding data to replace the data loss in the log to increase integrity of the log if a determination is made that a data loss has occurred (column 2, line 65 to column 3, line 8 and column 9, lines 2-4).

Myerson discloses that the data added to replace the data loss comprises data derived from a prior log (column 4, lines 47-60).

Myerson discloses that the log includes data indicating at least one of requests, page views, and sessions (column 4, lines 35-37).

Myerson discloses that the log is a Web server log (column 2, lines 49-52).

Myerson discloses a method in a data processing system for analyzing a log, the method comprising analyzing the log to determine whether a time gap tolerance has been exceeded (column 8, line 66 to column 9, line 2), responsive to a determination that the time gap tolerance has been exceeded, generating an alert, and responsive to detecting the alert, adding data to the log to increase the data integrity of the log (column 2, line 65 to column 3, line 8 and column 9, lines 2-4).

Myerson discloses calculating a data integrity level for the log and comparing the integrity level to a threshold in order to determine if an acceptable level of integrity has been reached (column 8, lines 47-58).

Myerson also discloses that the method is implemented as a computer program product of corresponding instructions (column 4, line 40), in a system comprising a memory containing the instructions (column 4, lines 18-19), a processing unit for executing the instructions (column 4, lines 16-17), a communications unit (column 4, line 19), and a user interface (column 4, line 19), all connected to a bus (Figure 1).

U.S. Patent No. 6,112,238 to Boyd et al. teaches a system and method for analyzing remote traffic data in a distributed computing environment comprising storing the traffic data in a server web log (column 3, lines 46-48) the log including a set of time segments (i.e. slices) (column 3, lines 57-61) as well as allowing the user to define at least one of the time segments to perform analysis (column 9, lines 15-23). Boyd also teaches considering data in at least one time segment adjacent to a time segment being analyzed (column 10, line 58 to column 11, line 14).

U.S. Patent No. 5,778,387 to Wilkerson et al. teaches a database automated recovery system for recovering data for a log (column 7, lines 17-24) including a set of logs (column 7, lines 39-50) wherein a user interface alerts a user when data recovery is needed and allows the user to select from a set of logs to derive the data to be recovered (column 9, line 30 to column 10, line 18).

U.S. Patent No. 5,931,912 to Wu et al. teaches a method in a data processing system for analyzing a log, the method comprising analyzing the log to determine whether a tolerance of a time gap has been exceeded and responsive to a determination that the time gap tolerance has been exceeded, generating an alert in the form of a flag used by a program to process the log (column 9, line 65 to column 10, line 9).

As noted above, the cited prior art teaches many of the features of the claimed invention and while the cited prior art does teach a method in a data processing system for maintaining data integrity in logs, none of the cited prior art teaches or suggests, in combination with the other claimed limitations for maintaining data integrity in logs, reviewing a log, wherein the log includes a set of time segments, with at least one time segment defined by a user, wherein each time segment within the set of time segments is determined by successively comparing average time gaps of adjacent predetermined chunks of time in addition to analyzing each time segment within the set of time segments to determine whether a time segment gap tolerance has been exceeded, wherein the time segment gap tolerance is determined by multiplying a total number of clean logs (i.e. logs that are known to contain no time gaps due to data loss) by a standard deviation of a time gap average for the total number of clean logs and adding that product to the time gap average.

5. The following newly cited references are considered to be pertinent to the examination of the instant application but also do not teach or suggest, in combination with the other claimed limitations for maintaining data integrity in logs, reviewing a log, wherein the log includes a set of time segments, with at least one time segment defined by a user, wherein each time segment within the set of time segments is determined by successively comparing average time gaps of adjacent predetermined chunks of time in addition to analyzing each time segment within the set of time segments to determine whether a time segment gap tolerance has been

exceeded, wherein the time segment gap tolerance is determined by multiplying a total number of clean logs (i.e. logs that are known to contain no time gaps due to data loss) by a standard deviation of a time gap average for the total number of clean logs and adding that product to the time gap average:

U.S. Patent No. 5,675,510 to Coffey et al. teaches a computer use meter and analyzer that reports the use of a personal computer by a user through a log file.

JP Patent No. 09-257592 to Araya et al. teaches a method and device for compensating tomography comprising means for detecting data loss by adding a product of a coefficient and a standard deviation to a mean.

JP Patent No. 03-090639 to Aeppli teaches a method and apparatus for setting the sensitivity limit of a yarn clearer by adding a product of an alarm frequency and standard deviation to a mean value.

U.S. Patent No. 5,152,007 to Uribe teaches a method and apparatus for detecting speech including means for setting a threshold according to the addition of a product of a number and a standard deviation to an average.

U.S. Patent No. 5,291,423 to Roosli teaches an arrangement for monitoring the quality of electric welds by comparing data to a sensitivity threshold set by adding a product of a factor and a standard deviation to an average.

U.S. Patent No. 5,756,967 to Quinn et al. teaches a method for sensing arc welding process characteristics including means for setting a threshold by adding a product of a factor and a standard deviation to an average.

U.S. Patent Application Publication No. 2002/0144272 to McLain et al. teaches an EIRP statistical calculation method including means for setting a threshold by adding a product of a factor and a standard deviation to an average.

U.S. Patent No. 6,381,374 to Pourjavid teaches a histogram analysis method for defective pixel identification including means for setting a threshold by adding a product of a factor and a standard deviation to an average.

U.S. Patent No. 5,954,820 to Hetzler teaches a portable computer with adaptive demand-driven power management including means for setting a threshold by adding a product of a factor and a standard deviation to an average.

U.S. Patent No. 4,731,671 to Alkofer teaches contrast adjustment in digital image processing employing histogram normalization including means for setting a threshold by adding a product of a factor and a standard deviation to an average.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the

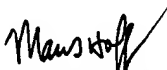
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examiner should be directed to Jeffrey R. West whose telephone number is (571)272-2226. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrjw
November 28, 2005


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